

REMARKS

Claims 1-10 are pending in the present application.

In The Drawings:

Applicant respectfully requests to defer submission of formal drawings until allowance of the present claims.

Claim objection:

The Examiner objected to the term “step” in claim 5 and proposed to change this term to either “processes” or “instructions.” Applicant thanks for the Examiner for the suggestions, however, Applicant believes that the term “moves” is more accurate for replacing the objected term. Applicant, thus, amended the respective language in claim 5 accordingly.

Claim rejection under 35 U.S.C. §102:

The Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Nanba. Alternatively, the Examiner rejected claims 1-10 under 35 U.S.C. §102(b) as being anticipated by Marlowe. Applicant respectfully disagrees. The present application includes limitations neither disclosed or suggested by Nanba.

The present application is directed to a library which allows a user to insert a plurality of cartridge into the library for storage and operation in combination with a respective drive. In addition, the present invention includes a feature that allows for a quick loading of a cartridge directly into the receiving pocket of the internal drive. To this end, the library is designed to provide for an external port through which cartridges can be inserted into the library that is aligned with a carrier positioned in front of the internal drive cartridge pocket. Thus, tan inserted cartridge can be picked up by the internal carriers are directly moved in a single linear motion into the receiving pocket of the internal drive.

Nanba on the contrary requires three different movements to achieve this result as can be seen in Fig. 3 of Nanba. First, a cartridge has to be inserted in a horizontal movement. Then, the conveyer belt has to move the cartridge to the left. Finally, the additional conveyor

mechanism 15 has to move the tape perpendicular to the drawing plane as can be seen in particular in Fig. 2.

Marlowe comprises a receiving port 79 to receive a new cartridge. However, there is no linear movement possible to place the cartridge through the opening port 79 into the receiving pocket of a drive 16. On the contrary, a 90 degree movement of the cartridge and multiple additional movements are necessary to insert the cartridge into a drive 16. Depending on the turning direction of the conveyor belt, at a minimum, a first movement of the cartridge into the slot 20 through port 79 is required, followed by a 90 degree movement. Then, a linear movement parallel to the inserting movement is necessary to align the cartridge with the receiving pocket of a drive 16. Finally, a movement perpendicular to the inserting movement is required to insert the cartridge into a drive.

Thus, Applicant believes that none of the cited references disclose or suggest the limitations of independent claims 1 and 7 of the present application. The dependent claims include all the limitations of the respective independent claims and are, therefore, patentable at least to the extent of the independent claims. Because the independent claims are clearly not anticipated by the prior art, Applicant would like to defer any discussions with respect to these dependent claims at this point.

CONCLUSION

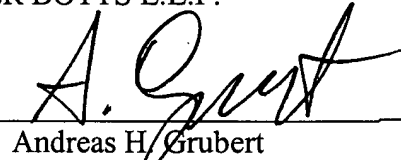
The application as defined in the pending claims is patentable under 35 U.S.C. §102 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*,) Order Number 074623.0106.

BAKER BOTTS L.L.P.

Date: June 24, 2004

By: _____

A handwritten signature in black ink, appearing to read 'A. Grubert', is written over a horizontal line.

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